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Case No.: MBHB00-618-A

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SELECTIVE ANTAGONISTS OF A2B ADENOSINE RECEPTORS

the specification of which is attached hereto unless the following space is checked:

☐ was filed on _____ as United States Application Serial Number _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/151,649	August 31, 2000
2.		


I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

Customer Number: 020306
Principal attorney or agent: A. Blair Hughes
Telephone number: 312-913-0001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Italo O. Biaggioni

Inventor's signature: 

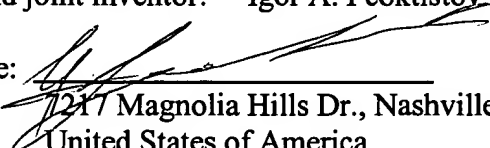
Date: 9/6/00

Residence: 2873 Sugartree Rd., Nashville, TN 37215

Citizenship: United States of America

Post Office Address: 2873 Sugartree Rd., Nashville, TN 37215

Full name of second joint inventor: Igor A. Feoktistoy

Inventor's signature: 

Date: 9/11/00

Residence: ~~7217~~ Magnolia Hills Dr., Nashville, TN 37221

Citizenship: United States of America

Post Office Address: 7217 Magnolia Hills Dr., Nashville, TN 37221

Full name of third joint inventor: Jack N. Wells

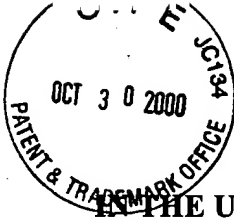
Inventor's signature: 

Date: 9.6.00

Residence: 3604 Saratoga Dr., Nashville, TN 37205

Citizenship: United States of America

Post Office Address: 3604 Saratoga Dr., Nashville, TN 37205



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney's Docket No. MBHB00-618-A)

Applicant or

Patentee: Italo O. Biaggioni, Igor A. Feoktistove and Jack N. Wells

Serial or
Patent No.: 09/648,775

Filed or
Issued: 8/28/00

Title: Selective Antagonists of A_{2B} Adenosine Receptors

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 C.F.R. § 1.9(f) AND § 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐
☒

the owner of the small business concern identified below:
an official of the small business concern empowered to act on behalf of the concern
identified below:

NAME OF CONCERN: CV THERAPEUTICS, INC.

ADDRESS OF CONCERN: 3172 Porter Drive, Palo Alto, CA 94304

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Selective Antagonists of A2B Adenosine Receptors by inventors Italo O. Biaggioni, Igor A. Feoktistov and Jack N. Wells described in

☐ the specification filed herewith.
☒ Application Serial No. 09/648,775, filed 8/28/00.
☐ Patent No. _____, issued _____.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Louis G. Lange, III

TITLE IN ORGANIZATION: Chairman and CEO

ADDRESS OF PERSON SIGNING: 3172 Porter Drive, Palo Alto, CA 94304

Signature: 

Date: September 11, 2000



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THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney's Docket No. MBHB00-618-A)

Applicant or

Patentee: Italo O. Biaggioni, Igor A. Feoktistov and Jack N. Wells

Serial or
Patent No. 09/648,775

Filed or
Issued: 8/28/00

Title: Selective Antagonists of A_{2B} Adenosine Receptors

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 C.F.R. § 1.9(f) and § 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Vanderbilt University

ADDRESS OF ORGANIZATION: 305 Kirkland Hall
Nashville, TN 37420

TYPE OF ORGANIZATION:

- ☒ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. § 501(a) and § 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of the United States of America

(Name of State _____)

(Citation of Statute _____)

- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. § 501(a) and § 501(c)(3)) if located in the United States of America

(Name of State _____)

(Citation of Statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled Selective Antagonists of A2B Adenosine Receptors by inventor(s) Italo O. Biaggioni, Igor A. Feoktistov and Jack N. Wells.

described in

☐ the specification filed herewith.
☒ Application Serial No. 09/648,775, filed 8/28/00.
☐ Patent No. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above identified nonprofit organization are not exclusive, each individual concern or organization having rights in the invention must file separate verified statements averring to their small entity status and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify, as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☐ No such person, concern or organization exists.
☒ Each such person, concern or organization is listed below.

FULL NAME CV Therapeutics, Inc

ADDRESS 3172 Porter Drive, Palo Alto, California 94304

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Janice Elsner

TITLE IN ORGANIZATION: ASSOCIATE DIRECTOR, OFFICE OF TECHNOLOGY TRANSFER

ADDRESS OF PERSON SIGNING: Vanderbilt University
Office of Technology Transfer
1207 17th Ave. South, S. 210
Nashville, TN 37212

Signature: Janice Elsner

Date: September 11, 2000